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8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation/Petition to
14 Revoke Probation Against,

15 **SHAROLYN BEATRICE JEFFERY**
16 **Post Office Box 105**
Shouteau, OK 74337

17 **Registered Nurse License No. 405552**

18 Respondent.

Case No. **2010-397**

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation and Petition to
22 Revoke Probation solely in her official capacity as the Interim Executive Officer of the Board of
23 Registered Nursing, Department of Consumer Affairs.

24 **License History**

25 2. On or about September 30, 1986, the Board of Registered Nursing issued Registered
26 Nurse License Number 405552 to Sharolyn Beatrice Jeffery ("Respondent"). The license expired
27 on March 31, 2006.

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3. In a disciplinary action entitled "*In the Matter of Accusation Against Sharolyn Beatrice Jeffery*," Case No. 2004-270, the Board of Registered Nursing, issued a decision effective March 16, 2005, in which Respondent's Registered Nurse License was revoked. However, the revocation was stayed and Respondent's registered nurse license was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Accusation and Petition to Revoke Probation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

STATUTORY PROVISIONS

5. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Code section 2761 states in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes but is not limited to, the following

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

ACCUSATION

6. Respondent is subject to disciplinary action under section 2761 in that respondent's Registered Nurse License issued by the Oklahoma Board of Registered Nursing was disciplined. The circumstances follow:

On or about September 27, 2006 in *In the Matter of Sharolyn Beatrice Tiry Jeffery, RN, License No. R0026387 (Respondent)* before the Oklahoma Board of Nursing, the respondent entered a consent decree in which she surrendered her license following the receipt by the Oklahoma Board of an unsatisfactory supervised practice report.

PETITION TO REVOKE PROBATION

6. Grounds exist for revoking the probation and reimposing the order of revocation of Respondent's Registered Nurse License No. 405552. Condition No. 13 of the Decision and Order states:

Violation of Probation If Respondent violates the conditions of her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Officer has been requested to prepare and accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

7. Respondent has violated the Probation Program, as more particularly set forth in the following paragraphs.

1 **FIRST CAUSE TO REVOKE PROBATION**

2 **(Comply with the Board's Probation Program)**

3 8. At all times after the effective date of Respondent's probation, Condition 3 states, in
4 pertinent part:

5 Comply with the Board's Probation Program - Respondent shall fully
6 comply with the conditions of the Probation Program established by the Board
7 and cooperate with representatives of the Board in its monitoring and
8 investigation of the Respondent's compliance with the Board's Probation
9 Program.

8 9. Respondent's probation is subject to revocation because she failed to comply with
9 Probation Condition 3, referenced above, as set forth below:

10 **SECOND CAUSE TO REVOKE PROBATION**

11 **(Residency, Practice, or Licensure Outside of State)**

12 10. At all times after the effective date of Respondent's probation, Condition 5 states, in
13 pertinent part:

14 Residency, Practice, or Licensure Outside of State – Periods of
15 residency or practice as a registered nurse outside of California shall not
16 apply toward a reduction of this probation time period. Respondent's
17 probation is tolled, if and when she resides outside of California.
18 Respondent must provide written notice to the Board within 15 days of
19 any change or residency or practice outside the state, and within 30 days
20 prior to reestablishing residency or returning to practice in this state.

18 Respondent shall provide a list of all states and territories where she
19 has been licensed as a registered nurse, vocational nurse, or practical
20 nurse. Respondent shall further provide information regarding the status
21 of each license and any changes in such license status during the term of
22 probation. Respondent shall inform the Board if she applies for or
23 obtains a new nursing license during the term of probation.

22 11. Respondent's probation is subject to revocation because she failed to comply with
23 Probation Condition 5, referenced above. The facts and circumstances regarding this violation
24 are that Respondent failed to notify the Board that she had voluntarily surrendered her Registered
25 Nurse License No. R0026387 to the Oklahoma Board of Nursing.

26 The underlying circumstances of the surrender are that in a disciplinary action before the
27 Oklahoma Board, Respondent's registered nurse license was placed on probation. On August 7,
28 2006, the Oklahoma Board received an unsatisfactory supervised practice report and notice of

1 termination from Respondent's employer due to allegations made that Respondent forced a
2 resident to take medicine against the resident's will.

3 PRAYER


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking the probation that was granted by the Board in Case No. 2004-270 and
7 imposing the disciplinary order that was stayed thereby revoking Registered Nurse License
8 No. 405552 issued to Sharolyn Beatrice Jeffery;

9 2. Revoking or suspending Registered Nurse License No. 405552 issued to
10 Sharolyn Beatrice Jeffery; and,

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 2/23/10


14 LOUISE R. BAILEY, M.Ed., RN
15 Interim Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-270

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Sharolyn B. Jeffery

Case No. 2004-270

OAH No. N-2004070292

Registered Nurse License No. 405552

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on March 16, 2005.

IT IS SO ORDERED February 15, 2005.

Sandra L. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

Among the probationary conditions was a requirement that respondent work 12 of the next 24 months in nursing in Oklahoma. Respondent was unable to find acceptable work in Oklahoma and moved out of state without fulfilling the condition.

On May 1, 2003, the Oklahoma Board issued an Order to Appear and Show Cause to respondent for alleged violations of her probation order. On May 29, 2004, respondent's license was temporarily suspended, in part due to respondent's failure to respond to the Order to Appear and Show Cause. Respondent did not appear, as she did not get notice of the Order, due to her residing out of state. On July 28, 2004, the Oklahoma Board found that respondent had not completed her practice requirement and had filed a late self-assessment report in 2003. Respondent appeared at that hearing. The Board lifted the temporary suspension and continued respondent's probation for another two years with the same terms and conditions. She is again seeking employment as a nurse in Oklahoma.

3. Respondent worked as a nurse in California from 1987-1992, with no record of any complaints or discipline. She wants to retain her California license.

4. The Board established reasonable costs of investigation and prosecution of this matter in the amount of \$331.75.

LEGAL CONCLUSIONS

1. Grounds for discipline exist pursuant to Business and Professions Code section 2761 (out of state discipline), by reason of Finding 2.

2. Pursuant to Business and Professions Code section 125.3, the Board is entitled to recover the reasonable costs of investigation and prosecution in this matter. While respondent was unemployed at the time of the hearing and might have difficulty paying costs at this time, her probation will be tolled until such time as she relocates to California. The costs here are relatively small and can be set on a payment plan by the Board.

ORDER

IT IS HEREBY ORDERED that Registered Nurse License Number 405552 issued to respondent Sharolyn Beatrice Jeffery is revoked. However, the revocation is stayed and respondent is placed on probation for three years on the following conditions:

1. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications

thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

2. OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

3. COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

4. REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

5. RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

6. SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the

Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

7. FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

8. Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

9. SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.
- (d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by respondent with or without respondent present.

10. EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

11. COMPLETE A NURSING COURSE(S) - Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

12. COST RECOVERY - Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$331.75. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

13. VIOLATION OF PROBATION - If a respondent violates the conditions of his/her probation, the Board after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

14. LICENSE SURRENDER - During respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circum-

stances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (2) One year for a license surrendered for a mental or physical illness.

DATED: November 19, 2004



MURIEL EVENS
Administrative Law Judge
Office of Administrative Hearings

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of the State of California
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2004-270

12 SHAROLYN BEATRICE JEFFERY
13 P.O. Box 105
Shouteau, OK 74337

A C C U S A T I O N

14 Registered Nurse No. 405552

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about September 30, 1986, the Board of Registered Nursing issued
23 Registered Nurse License Number 405552 to Sharolyn Beatrice Jeffery (Respondent). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on March 31, 2006, unless renewed.

26
27 JURISDICTION

28 3. This Accusation is brought before the Board of Registered Nursing

1 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 STATUTORY PROVISIONS

4 4. Section 2750 of the Business and Professions Code (Code) provides, in
5 pertinent part, that the Board may discipline any licensee, including a licensee holding a
6 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
7 2750) of the Nursing Practice Act.

8 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
9 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against the licensee or to render a decision imposing discipline on the license. Under section
11 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
12 the expiration.

13 6. Section 2761 of the Code states in pertinent part:

14 "The board may take disciplinary action against a certified or licensed nurse or
15 deny an application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

17 "(4) Denial of licensure, revocation, suspension, restriction, or any other
18 disciplinary action against a health care professional license or certificate by another state or
19 territory of the United States, by any other government agency, or by another California health
20 care professional licensing board. A certified copy of the decision or judgment shall be
21 conclusive evidence of that action."

22 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
23 request the administrative law judge to direct a licensee found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

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2
3 CAUSE FOR DISCIPLINE

4 (Out-of-State Discipline)

5 8. Respondent is subject to disciplinary action under section 2761 in that
6 respondent's Registered Nurse license issued by the Oklahoma Board of Registered Nursing was
7 disciplined. The circumstances follow:

8 On or about July 24, 2002, in In the Matter of Sharolyn Beatrice Tiry Jeffery, R.N.;
9 License No. R002687, before the Oklahoma Board of Nursing the Board and respondent entered
10 a stipulation that on or about July 6, 2001, while employed as a Charge Nurse with Healthsouth
11 Rehabilitation Hospital, Tulsa, Oklahoma, she failed to contact the physician in a timely manner
12 regarding patient G.H.'s deteriorating clinical condition resulting in a delay in medical
13 intervention. Respondent also stipulated that on February 15, 2002, she made entries into
14 medical records for a time period in which she had left the facility.

15 On or about July 31, 2002, the Board Oklahoma Board of Nursing issued an order
16 in which respondent's Oklahoma Registered Nurse license was disciplined with various terms
17 and conditions including; submitting documentation of the completion of the Board's legal/
18 Ethical packet, successful completion of a unit of education or course of study on
19 Documentation of Nursing Care, probation for twelve months employment as a nurse to be
20 completed in two years, supervised practice, furnish to current and future employers a copy of the
21 Board's order, complete a quarterly self-assessment report, return pocket license to the Board to
22 be marked "Restricted", and to pay administrative penalty.

23 On or about May 29, 2003, following a hearing respondent's license was ordered
24 summarily suspended pending a further hearing before the Oklahoma Board Nursing and
25 respondent was enjoined from practicing or holding herself out as licensed to practice registered
26 nursing in the State of Oklahoma.
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